THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 18860 of 2005

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DATED:25-08-2005

Amaresh Goud.

..... PETITIONER

AND

The Commissioner,

Yemmiganur Municipality,
Yemmiganur,

Kurnool District & another.

.....RESPONDENTS

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India declaring the action of the 1st respondent, in refusing to issue tender schedule to the petitioner in so far as the work specified in package No.II specified in Corrigendum to tneder notice No.1600/04/APURMSP/E1, dated 07-07-2005, as illegal, void, malicious and arbitrary.

2. It is the case of the petitioner that the 1st respondent initially invited for bids on 07-07-2005 calling for tenders for (1) formation of widening of existing B.T.Road with C.C.pavement form rice mill to Muslim Burial ground of Kallagatla road and (2) formation and widening of existing B.T.Road with C.C. pavement from rice mill to Muslim Burial ground of Kallugatla road. Thereafter, the 1st respondent issued corrigendum to tender notice No.1600/04/APURMSP/E1, dated 07-07-2005, clubbing the aforesaid works as: Formation and widening of existing B.T.Road with CC pavements (a) from rice mill junction to Abbas Talkies on Soganur road (b) from rice mill to Muslim Burial grounds of Kallugatla road. Petitioner is the registered Contractor with the Government of A.P., He obtained a banker's cheque for Rs.2000/- in favour of the respondent on 09-08-2005 towards cost of bid documents and a banker's cheque for Rs.38,600/- towards security bid and authorized one

Mr.Bhasker Goud to submit the same along with the letter of authorization to the respondent. The 1st respondent refused even to issue bidding document *in spite* of the fact that the petitioner was qualified in all aspects to compete for the package No.II of the work specified in the invitation/corrigendum to tender notice. Moreover, the 1st respondent, with a view to confer undue advantage upon the 2nd respondent, allotted the schedule work to the 2nd respondent. Aggrieved thereby, the petitioner approached this Court by way of filing the present Writ Petition.

3. On the other hand, the learned standing Counsel for the Municipality submitted that though notification was issued on
07-07-2005 the corrigendum was issued on 19-07-2005, whereas, the petitioner has obtained banker's cheque on 09-08-2005, i.e. after the date of issuance of corrigendum, and authorized one Mr.Bhasker Goud to submit the same. Moreover, the petitioner has not drawn the banker's cheque at the time of submitting his application. Hence, the tenders were not issued to the petitioner.

4. Heard both sides.

5. I have perused the entire material on record.

6. Considering the facts and circumstances of the case, it appears the petitioner has approached this Court with unclean hands. Moreover, the allegations made by petitioner against the 1st respondent are not supported by any documentary proof. Therefore, I see no reason to entertain the Writ Petition.

7. Accordingly, the Writ Petition is dismissed. No order as to costs.

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(ELIPE DHARMA RAO,J)

25th August, 2005.

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